

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66157 of 2019**

Arising Out of PS. Case No.-634 Year-2019 Thana- NAWADA District- Nawada

Shamsh Tabrej Son of Yusuf Darjee Resident of Islam Nagar, Bichli Gali Par  
Nawada, P.S.- Nagar (Nawada), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      05-03-2020                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Section 376 of the  
Indian Penal Code.

The prosecution case as per the written report of  
Khushboo Khatoon submitted to the Station House Officer of  
Nawada Town Police Station is to the effect that on 10.01.2019  
at 12.00 P.M.in the noon, the informant was sleeping in her  
room, in the meantime, the petitioner, being the brother-in-law  
(Dewar) entered into the room and ravished her on gun point  
since the husband of the informant was employed in Saudi Arab  
and thereafter, the petitioner continued to establish forceful  
physical relationship with the informant and when the informant  
got pregnant which was detected on 27.04.2019 during medical



check up, and when the informant complained about the same to the family members of the petitioner, all the accused persons assaulted the informant and administered phenyle liquid, thereafter, she was being taken to the hospital for treatment.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 10.01.2019, the written report has been submitted on 22.05.2019, the informant was medically examined on the same, i.e., 22.05.2019 when no sign of rape was found and there is no medical report on the record to suggest that the informant's pregnancy was terminated or there is no material on record suggesting that she was being examined by any doctor for assault or administering phenyle liquid. Admittedly, the informant is a major and subsequently, the informant has retracted from the initial version and filed a petition before the learned Court below.

Learned APP after going through the case diary submits that the the informant has supported the accusation in her statement recorded under Section 164 Cr.P.C., however, there is no medical report to corroborate the accusation.

Considering the delayed lodging of the case, accusation being not corroborated by medical opinion and the fact that the case has been lodged after five months of the alleged occurrence, let the above named petitioner be released on anticipatory bail in



the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 634 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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